

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**BENCH AT AURANGABAD**

902 CIVIL APPLICATION NO. 3371 OF 2018  
IN FA/1972/2018

HANUMANT GOPAL BORADE DIED THR. L.RS. HIRABAI HANUMANT  
BORADE AND OTHERS  
VERSUS  
THE EXECUTVE ENGINEER MEDIUM PROJECT DIV. OSMANABAD NOW  
MKVDC PUNE AND ANR

=====

903 CIVIL APPLICATION NO. 3372 OF 2018  
IN FA/1974/2018

TULSHIRAM ABA DESHMANEE (DIED) THR LRS BABU AND ORS  
VERSUS  
THE EXECUTVE ENGINEER MEDIUM PROJECT DIV. OSMANABAD NOW  
MKVDC PUNE AND ORS

=====

4 CIVIL APPLICATION NO. 3370 OF 2018  
IN FAST/5614/2014

NAGNATH BALA DESHMANE (DIED) THR LRS DROPAD AND OTHERS  
VERSUS  
THE EXECUTVE ENGINEER MEDIUM PROJECT DIV. OSMANABAD NOW  
MKVDC PUNE AND ORS

=====

5 CIVIL APPLICATION NO. 3602 OF 2018  
IN FAST/14251/2013

AJINATH TULSIRAM BORADE (DIED) THR LRS PADMAKAR (DIED) THR  
LRS USHA AND ORS  
VERSUS  
THE EXECUTIVE ENGINEER, MEDIUM PROJECT DIVISION, OSMANABAD  
(NOW UNDER MKVDC PUNE

=====

- 2 -

Advocate for Applicants : Kawade Shrikant G.  
Advocate for R/1 : Shri S. G. Sangle.  
AGP for R/2 : Shri P.G. Borade.

.....

**CORAM: V.L. ACHLIYA, J.**

**DATE: 13.07.2018**

**PER COURT :**

1] The applicants have moved these applications seeking permission to withdraw the amount deposited by the appellant i.e. the acquiring body.

2] Heard the learned counsel for the applicants and the respondent – acquiring body. Perused the impugned judgment and order passed by the Reference Court as well as the award passed by the SLAO. Considering the submissions advanced and in the light of grounds raised in the appeals, following order is passed :-

**O R D E R**

a] The applicants are permitted to withdraw the amount to the extent of 50% of the amount deposited by the appellant – acquiring body on furnishing undertaking to the satisfaction of the Registrar (Judicial) and the undertaking that in

- 3 -

case the amount is required to be refunded, the applicants shall deposit the amount in this Court within three months from the date of judgment and order that may be passed in the matter.

b] The balance amount deposited by the acquiring body be invested initially for a period of three years with the State Bank of India, High Court Branch, Aurangabad, and continued to be reinvested till the appeals are disposed of.

c] The interest accrued on 25% of the amount invested be credited periodically to the account of the applicants on applicants' furnishing the particulars of their savings bank account.

d] The applications are disposed of in the aforesaid terms.

**(V.L. ACHLIYA, J.)**